



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MINTZ & LEVIN
666 THIRD AVENUE – 24TH FLOOR
NEW YORK, NY 10017

COPY MAILED

SEP 21 2007

OFFICE OF PETITIONS

Patent No. 6,492,144 :
Application No. 09/634,732 :
Filed: August 3, 2000 :
Issued: December 10, 2002 :
Attorney Docket No. 29480-501 REI :

ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed January 31, 2007, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The patent issued December 10, 2002. The last day of the grace period for paying the 3.5-year maintenance fee was December 10, 2006. Therefore, since this petition was filed within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), this petition was timely filed under the provisions of 37 CFR 1.378(c).


The \$450.00 maintenance fee was submitted on Monday, June 12, 2006, as the due date for the maintenance fee fell on a Saturday. However, since the maintenance fee was submitted during the grace period, a late surcharge was required, but was not submitted. Since the late surcharge is no longer required once a patent expires, only the \$1640.00 will be collected.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the delay in filing a timely response was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay in paying the maintenance fee was in fact unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay in paying the maintenance fee was intentional, petitioner must so notify the Office. Also, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Petitioner should note that submission of a power of attorney and/or a change of correspondence address would not affect the fee address. Therefore, if petitioner desires to receive future correspondence, which **may** be mailed regarding maintenance fees for the above-identified patent, the "fee address" and/or "customer number" forms should be submitted to the Maintenance Fee Division.

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.


Liana Walsh
Petitions Examiner
Office of Petitions